

DEAV2002/0063 US NP
Application No. 10/642,970

PATENT

Remarks/Arguments

Upon entry of the foregoing amendments, claims 1 to 5 will be pending in the present patent application. Claims 6 to 14 have been canceled, without prejudice. Claims 1 and 4 have been amended, without prejudice.

In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the objections and rejections are respectfully requested.

Discussion of the Rejections under 35 U.S.C. § 112, First Paragraph

Claims 6 to 14 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement for a method of treatment or prophylaxis of all diseases associated with an increased activity of I κ B kinase (Action, p. 2). Although Applicants respectfully disagree, claims 6 to 14 have been canceled, without prejudice to their presentation in a later-filed continuation application. Accordingly, Applicants submit that the present rejection is now moot.

Discussion of the Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1 to 14 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (Action, p. 14). In particular, the Action asserts that the acyclic nitrogen of claim 1 has an open valency thereby rendering the claims indefinite. Although Applicants disagree respectfully that claim 1 is indefinite, Applicants amended claim 1 to expressly recite a hydrogen atom bonded to the acyclic nitrogen. Accordingly, the rejection of claim 1 is moot.

DEAV2002/0063 US NP
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PATENT

The Action also alleges that the phrase "such as" in claim 4 is unclear. Although Applicants disagree respectfully, Applicants submit respectfully that this rejection is moot in view of the foregoing amendments.

The Action also alleges that the claim 6 is unclear. Although Applicants disagree respectfully, Applicants submit respectfully that this rejection is moot in view of the foregoing amendments. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Discussion of the Non-Statutory Double Patenting Rejection

Claims 6 to 14 have been provisionally rejected under the judicially created doctrine of non-statutory double patenting over co-pending Application Serial No. 10/642,974 (Action at 15). Applicants submit that the present rejection is moot in view of the cancellation of such claims.

DEAV2002/0063 US NP
Application No. 10/642,970

PATENT

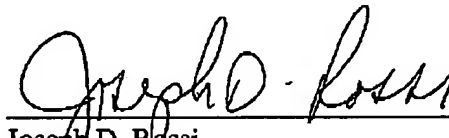
Conclusion

Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-3410.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

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